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11 Attorneys for Plaintiff  
12 WEST VIEW RESEARCH, LLC

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15 UNITED STATES DISTRICT COURT  
16 SOUTHERN DISTRICT OF CALIFORNIA

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18 WEST VIEW RESEARCH, LLC, a  
19 California corporation,

20 Plaintiff,

21 v.

22 AUDI AG, a German corporation;  
23 AUDI OF AMERICA, LLC, a  
24 Delaware corporation;  
25 VOLKSWAGEN AG, a German  
26 corporation; and VOLKSWAGEN  
27 GROUP OF AMERICA, INC. d/b/a  
28 AUDI OF AMERICA, INC., a New  
Jersey corporation,

Defendants.

10 CASE NO. **'14CV2668 BAS JLB**

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**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

This is an action for patent infringement in which Plaintiff West View Research, LLC (“West View Research” or “Plaintiff”) makes the following allegations against Defendants AUDI AG, AUDI OF AMERICA, LLC, VOLKSWAGEN AG, and VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. (collectively “AUDI/VW” or “Defendants”) as follows:

## THE PARTIES

1. Plaintiff West View Research is a limited liability company organized under the laws of the State of California with a principal place of business at 16644 West Bernardo Drive, Suite 201-A, San Diego, California 92127.

2. Upon information and belief, Defendant AUDI AG is a corporation organized under the laws of Germany, with its principal place of business at Ettinger Strasse, D-85045, Ingolstadt, Germany.

3. Upon information and belief, Defendant AUDI OF AMERICA, LLC is a corporation organized under the laws of Delaware, with its principal place of business at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171 and a registered agent at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

4. Upon information and belief, Defendant VOLKSWAGEN AG is a corporation organized under the laws of Germany, with its principal place of business at Werk Wolfsburg, 38436 Wolfsburg, Germany.

5. Upon information and belief, Defendant VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. is a corporation organized under the laws of New Jersey, with its principal place of business at 3800 Hamlin Road, Auburn Hills, Michigan 48326 and a registered agent at CSC – Lawyers Incorporating Service, 601 Abbot Road, East Lansing, Michigan 48823.

## **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §1, *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants at least because Defendants are present within or have ongoing and systematic contacts with the United States, the State of California, and the Southern District of California. Defendants have purposefully and regularly availed themselves of the

1 privileges of conducting business in the State of California and in the Southern  
2 District of California. Plaintiff's causes of action arise directly from Defendants'  
3 business contacts and other activities in the State of California and in the Southern  
4 District of California. Defendants have committed acts of patent infringement in  
5 this District, and have harmed and continue to harm West View Research in this  
6 District, by, among other things, using, selling, offering for sale, and/or importing  
7 infringing products and/or services into this District.

## BACKGROUND

9        8.      West View Research owns all right, title and interest in U.S. Patent  
10     No. 8,719,038 (the “038 patent”), U.S. Patent No. 8,719,037 (the “037 patent”),  
11     U.S. Patent No. 8,682,673 (the “673 patent”), U.S. Patent No. 8,296,146 (the “146  
12     patent”) and U.S. Patent No. 8,065,156 (the “156 patent”) (collectively, the  
13     “Patents-in-Suit”).

14 | 9. Each of the Patents-in-Suit are valid and enforceable.

15        10. West View Research is in compliance with the marking requirements  
16 under 35 U.S.C. § 287 in that it has no duty to mark or to give notice in lieu thereof  
17 because it has no products to mark.

18        11. The '038 patent, entitled "Computerized Information and Display  
19 Apparatus," was duly and legally issued by the United States Patent and Trademark  
20 Office on May 6, 2014, after a full and fair examination. A copy of the '038 patent  
21 is attached hereto as Exhibit A.

22        12. The '037 patent, entitled "Transport Apparatus with Computerized  
23 Information and Display Apparatus," was duly and legally issued by the United  
24 States Patent and Trademark Office on May 6, 2014, after a full and fair  
25 examination. A copy of the '037 patent is attached hereto as Exhibit B.

26        13. The '673 patent, entitled "Computerized Information and Display  
27 Apparatus," was duly and legally issued by the United States Patent and Trademark  
28 Office on March 25, 2014, after a full and fair examination. A copy of the '673

patent is attached hereto as Exhibit C.

14. The '146 patent, entitled "Computerized Information Presentation Apparatus," was duly and legally issued by the United States Patent and Trademark Office on October 23, 2012, after a full and fair examination. A copy of the '146 patent is attached hereto as Exhibit D.

15. The '156 patent, entitled "Adaptive Information Presentation Apparatus and Methods," was duly and legally issued by the United States Patent and Trademark Office on November 22, 2011, after a full and fair examination. A copy of the '156 patent is attached hereto as Exhibit E.

## COUNT I

# INFRINGEMENT OF THE '038 PATENT

16. West View Research incorporates paragraphs 1 through 15 by reference as if fully stated herein.

17. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, at least claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 15, 16 and 18 of the '038 patent.

18. Defendants have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority products that infringe at least claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 15, 16 and 18 of the '038 patent, including but not limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with "MMI", including but not limited to those with "Connect", sold or offered for sale on or after May 6, 2014.

19. West View Research has no adequate remedy at law against these acts of patent infringement. Defendants' actions complained of herein are causing irreparable harm and damages to West View Research and will continue to do so unless and until Defendants are permanently enjoined by the Court.

20. As a direct and proximate result of the acts of patent infringement by

1 Defendants, West View Research has been damaged and continues to be damaged  
2 in an amount not presently known.

3       21. West View Research has incurred and will incur attorneys' fees, costs,  
4 and expenses in the prosecution of this action. The circumstances of this dispute  
5 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View  
6 Research is entitled to recover its reasonable and necessary fees and expenses.

## COUNT II

## INFRINGEMENT OF THE '037 PATENT

9           22. West View Research incorporates paragraphs 1 through 21 by  
10 reference as if fully stated herein.

11        23. Defendants have been and are directly infringing literally and/or under  
12 the doctrine of equivalents, at least claims 22, 24, 28, 32, 35, 36, 37, 40, 41, 42, 43,  
13 44, 45, 48, 51, 54, 55, 56, 57, 58, 59, 63, 64, 67, 68, 69 and 70 of the '037 patent.

14        24. Defendants have directly infringed, and continue to directly infringe,  
15 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §  
16 271(a), by making, using, selling, offering for sale, and/or importing in or into the  
17 United States, without authority products that infringe at least claims 22, 24, 28, 32,  
18 35, 36, 37, 40, 41, 42, 43, 44, 45, 48, 51, 54, 55, 56, 57, 58, 59, 63, 64, 67, 68, 69  
19 and 70 of the '037 patent, including but not limited to 2013 and later Audi A3, A4,  
20 A5, A6, A7, A8, Q5, Q7 with "MMI", including but not limited to those with  
21 "Connect", sold on or after May 6, 2014.

22        25. West View Research has no adequate remedy at law against these acts  
23 of patent infringement. Defendants' actions complained of herein are causing  
24 irreparable harm and damages to West View Research and will continue to do so  
25 unless and until Defendants are permanently enjoined by the Court.

26        26. As a direct and proximate result of the acts of patent infringement by  
27 Defendants, West View Research has been damaged and continues to be damaged  
28 in an amount not presently known.

1        27. West View Research has incurred and will incur attorneys' fees, costs,  
 2 and expenses in the prosecution of this action. The circumstances of this dispute  
 3 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View  
 4 Research is entitled to recover its reasonable and necessary fees and expenses.

5                    **COUNT III**

6                    **FOR INFRINGEMENT OF THE '673 PATENT**

7        28. West View Research incorporates paragraphs 1 through 27 by  
 8 reference as if fully stated herein.

9        29. Defendants have been and are directly infringing literally and/or under  
 10 the doctrine of equivalents, at least claims 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16,  
 11 17, 20, 21, 22, 23, 24 and 27 of the '673 patent.

12        30. Defendants have directly infringed, and continue to directly infringe,  
 13 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §  
 14 271(a), by making, using, selling, offering for sale, and/or importing in or into the  
 15 United States, without authority products that infringe at least claims 1, 2, 3, 6, 7, 8,  
 16 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24 and 27 of the '673 patent, including  
 17 but not limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with  
 18 "MMI", including but not limited to those with "Connect", sold or offered for sale  
 19 on or after March 25, 2014.

20        31. West View Research has no adequate remedy at law against these acts  
 21 of patent infringement. Defendants' actions complained of herein are causing  
 22 irreparable harm and damages to West View Research and will continue to do so  
 23 unless and until Defendants are permanently enjoined by the Court.

24        32. As a direct and proximate result of the acts of patent infringement by  
 25 Defendants, West View Research has been damaged and continues to be damaged  
 26 in an amount not presently known.

27        33. West View Research has incurred and will incur attorneys' fees, costs,  
 28 and expenses in the prosecution of this action. The circumstances of this dispute

1 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View  
 2 Research is entitled to recover its reasonable and necessary fees and expenses.

3 **COUNT IV**

4 **FOR INFRINGEMENT OF THE '146 PATENT**

5 34. West View Research incorporates paragraphs 1 through 33 by  
 6 reference as if fully stated herein.

7 35. Defendants have been and are directly infringing literally and/or under  
 8 the doctrine of equivalents, at least claims 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 27, 28,  
 9 29, 30, 31, 32, 33 and 34 of the '146 patent.

10 36. Defendants have directly infringed, and continue to directly infringe,  
 11 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §  
 12 271(a), by making, using, selling, offering for sale, and/or importing in or into the  
 13 United States, without authority products that infringe at least claims 1, 2, 3, 4, 5, 8,  
 14 10, 11, 12, 13, 14, 27, 28, 29, 30, 31, 32, 33 and 34 of the '146 patent, including but  
 15 not limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with "MMI",  
 16 including but not limited to those with "Connect", sold or offered for sale on or  
 17 after October 23, 2012.

18 37. West View Research has no adequate remedy at law against these acts  
 19 of patent infringement. Defendants' actions complained of herein are causing  
 20 irreparable harm and damages to West View Research and will continue to do so  
 21 unless and until Defendants are permanently enjoined by the Court.

22 38. As a direct and proximate result of the acts of patent infringement by  
 23 Defendants, West View Research has been damaged and continues to be damaged  
 24 in an amount not presently known.

25 39. West View Research has incurred and will incur attorneys' fees, costs,  
 26 and expenses in the prosecution of this action. The circumstances of this dispute  
 27 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View  
 28 Research is entitled to recover its reasonable and necessary fees and expenses.

**COUNT V****FOR INFRINGEMENT OF THE '156 PATENT**

40. West View Research incorporates paragraphs 1 through 39 by reference as if fully stated herein.

41. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, or indirectly infringing by inducement, at least claims 10, 15, 18, 20, 21, 22, 23 and 24 of the '156 patent.

42. Defendants have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority products that infringe at least claims 10, 15, 18, 20, 21, 22, 23 and 24 of the '156 patent, including but not limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with "MMI", including but not limited to those with "Connect", sold or offered for sale on or after November 22, 2011.

43. Third parties, including Defendant's customers and sales personnel, have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or offering for sale in the United States, and/or importing into the United States, products supplied by Defendant that infringe at least claims 10, 15, 18, 20, 21, 22, 23 and 24 of the '156 patent, including but not limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with "MMI", including but not limited to those with "Connect", sold or offered for sale on or after November 22, 2011.

44. Upon information and belief, based on the information presently available to West View Research absent discovery, in addition to and/or in the alternative to direct infringement, West View Research contends that Defendant has, since receiving notice of the filing of this Complaint, induced infringement and continues to induce infringement of at least claims 10, 15, 18, 20, 21, 22, 23 and 24 of the '156 patent under 35 U.S.C. § 271(b). The filing and service of the

1 Complaint in this action satisfies the knowledge requirement for induced  
2 infringement. Defendant has, since receiving notice of the filing of this Complaint,  
3 actively, knowingly, and intentionally induced, and continues to actively,  
4 knowingly, and intentionally induce, infringement of the '156 patent by making,  
5 using, importing, and selling or otherwise supplying products including but not  
6 limited to 2013 and later Audi A3, A4, A5, A6, A7, A8, Q5, Q7 with "MMI",  
7 including but not limited to those with "Connect", sold or offered for sale on or  
8 after November 22, 2011 to third parties (e.g., consumers or Defendant's sales  
9 personnel), with the knowledge and specific intent that such third parties will use,  
10 sell, offer for sale, and/or import, products supplied by Defendant to infringe the  
11 '156 patent; and with the knowledge and specific intent to encourage and facilitate  
12 the infringement through the dissemination of the products and/or the creation and  
13 dissemination of promotional and marketing materials, supporting materials,  
14 instructions, user manuals, training manuals or videos, product manuals, technical  
15 manuals and/or technical assistance related to such products which actively direct,  
16 encourage and/or assist the infringement of the '156 patent.

17 45. West View Research has no adequate remedy at law against these acts  
18 of patent infringement. Defendants' actions complained of herein are causing  
19 irreparable harm and damages to West View Research and will continue to do so  
20 unless and until Defendants are permanently enjoined by the Court.

21 46. As a direct and proximate result of the acts of patent infringement by  
22 Defendants, West View Research has been damaged and continues to be damaged  
23 in an amount not presently known.

24 47. West View Research has incurred and will incur attorneys' fees, costs,  
25 and expenses in the prosecution of this action. The circumstances of this dispute  
26 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View  
27 Research is entitled to recover its reasonable and necessary fees and expenses.

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## PRAYER FOR RELIEF

West View Research respectfully requests that judgment be entered in its favor and against Defendants, and that the Court award the following relief to West View Research:

A. A judgment in favor of West View Research that Defendants have infringed, directly and/or indirectly, the Patents-in-Suit;

B. A permanent injunction against Defendants, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the Patents-in-Suit, or such other equitable relief the Court determines is warranted;

C. A judgment and order that Defendants account for and pay all damages necessary to adequately compensate West View Research for infringement of the Patents-in-Suit, but in no event less than a reasonable royalty;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding West View Research its reasonable attorneys' fees against Defendants;

E. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to West View Research, including without limitation, pre-judgment and post-judgment interest; and

F. Any and all other relief to which West View Research may be entitled.

## JURY DEMAND

West View Research hereby respectfully demands trial by jury of all issues so triable.

Dated: November 10, 2014

Respectfully submitted,

## GAZDZINSKI & ASSOCIATES, P.C.

/s/ Adam Garson

ADAM GARSON (Bar No. 240440)  
JOSH EMORY (Bar No. 247398)

Attorneys for Plaintiff  
West View Research, LLC